

## REMARKS

Claim 36 is canceled without prejudice to its continued prosecution in a continuation and/or divisional application.

The specification has been amended to include an unintentionally delayed priority reference in accordance with 37 CFR § 1.55. This information has already been recognized by the Office as shown by its inclusion on the official filing receipt, a copy of which is enclosed. Thus, Applicant submits that no petition under 37 CFR § 1.78(a) or surcharge under 37 CFR § 1.17(t) is required to correct this priority claim.

The amendments to claims 1, 8, 9, 19, 20, 22, 24, 26, 37, and 38 were made solely for clarification. The term "about" used in reference to the recited contact areas has been deleted from all of the claims in accordance with the Examiner's suggestions. As noted in the Office Action (page 11, section 10), this deletion serves to overcome the present grounds of rejection.

No new matter has been added. Upon entry of this Response, claims 1, 3-4, 7-9, 11-24, 26-28, and 37-38 are present and active in the application.

### Request for Personal Interview with Examiner

If for any reason the outstanding grounds of objection and rejection are not withdrawn in light of the remarks below, Applicants respectfully request a personal interview with the Examiner prior to the issuance of any further rejections by the Office, in accordance with MPEP 713.01.

### Claim Objections

1. The objection to claims 9 and 20 under 37 CFR § 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim is respectfully traversed. It is respectfully submitted that claims 9 and 20 are in proper dependent format as presently written.

Claim 9 recites that a "contact area of the second collection material and the skin is between 0.01 and 25 mm<sup>2</sup>" (emphasis added). By contrast, claim 8—from which claim 9 depends—recites that "the second collection material has a contact area with the skin of less than 25 mm<sup>2</sup>" (emphasis added). Thus, relative to claim 8, dependent

claim 9 adds the further recitation of a lower limit to the contact area of the second collection material.

Similarly, claim 20 recites that a "contact area [of the purified water/ion-conductive material with the skin] is between 0.01 and 25 mm<sup>2</sup>" (emphasis added). By contrast, claim 19—from which claim 20 depends—recites that "the purified water/ion-conductive material has a contact area with the skin of less than 25 mm<sup>2</sup>" (emphasis added). Thus, relative to claim 19, dependent claim 20 adds the further recitation of a lower limit to the contact area of the purified water/ion-conductive material.

Thus, Applicants respectfully submit that claims 9 and 20 each have a different scope than the base claims from which they respectively depend and, as such, are in proper dependent format. Accordingly, withdrawal of this ground of objection is respectfully requested.

2. The objection to claim 36 for depending from canceled claim 30 has been rendered moot by the cancellation without prejudice of this claim. Accordingly, withdrawal of this ground of objection is respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 102**

1. The rejection of claim 36 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over *Conn et al.* (U.S. Patent No. 6,438,414 B1) has been rendered moot by the cancellation without prejudice of this claim. Accordingly, withdrawal of this ground of rejection is respectfully requested.

2. The rejection of claims 1, 4, 7, 13, 15, 17-18, 24, 28, and 37-38 under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over *Conn et al.* has been obviated by amendment.

*Conn et al.* does not teach or suggest a "first electrode part" comprising "a first collection material" that has "a contact area with the skin of between 0.01 and 25 mm<sup>2</sup>," as required by each of independent claims 1 and 24 as presently written. Similarly, *Conn et al.* does not teach or suggest a "first extraction electrode part" that has "a contact area with the skin of between 0.01 and 25 mm<sup>2</sup>," as required by independent

claim 37 as presently written. In addition, *Conn et al.* does not teach or suggest a "first electrode part" that has "a contact area with the skin of between 0.01 and 25 mm<sup>2</sup>," as required by independent claim 38 as presently written.

As noted above, the term "about" used in reference to all recited contact areas has been deleted from the claims in accordance with the Examiner's suggestion. As noted in the Office Action (page 11, section 10), this deletion serves to overcome the present rejections.

For further commentary on the deficiencies of *Conn et al.* vis-à-vis the claimed invention, Applicants respectfully draw the Examiner's attention to the remarks set forth in their Response dated February 8, 2008.

Inasmuch as *Conn et al.* fails to teach or suggest each and every element of independent claims 1, 24, 37, and 38 as presently written, Applicants respectfully submit that the claimed invention is neither anticipated by nor would have been obvious in view of *Conn et al.* Withdrawal of this ground of rejection is, therefore, respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 103**

1. The rejection of claims 3, 8-9, 11, and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over *Conn et al.* in view of *Avrahami et al.* (U.S. Patent Application Publication No. 2004/0230227 A1), the rejection of claims 12 and 16 under 35 U.S.C. § 103(a) as being unpatentable over *Conn et al.* in view of *Ackerman* (U.S. Patent Application Publication No. 2003/0208114 A1), and the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over *Conn et al.* in view of *Glikfeld et al.* (U.S. Patent No. 5,279,543) have been obviated by amendment.

Claims 3, 8-9, 11, 12, 14, and 16 depend directly or indirectly from independent claim 1; claims 26 and 27 depend directly or indirectly from independent claim 24. However, as noted above, *Conn et al.* fails to teach or suggest all of the elements of independent claims 1 and 24. Moreover, the deficiencies of *Conn et al.* are not remedied by *Avrahami et al.*, *Ackerman*, and/or *Glikfeld et al.*, which likewise do not teach or suggest all the elements of independent claims 1 and 24.

For at least these reasons, Applicants respectfully submit that the claimed invention is neither anticipated by nor would have been obvious in view of these references, individually or in combination. Accordingly, withdrawal of all grounds of rejection is respectfully requested.

2. The rejection of claims 19, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Kim et al.* (U.S. Patent No. 6,736,777 B2) in view of *Burson et al.* (U.S. Patent Application Publication No. 2003/0199745 A1) has been obviated by amendment.

Neither *Kim et al.* nor *Burson et al.* teaches or suggests a "first path-forming electrode part" comprising "a purified water/ion-conductive material" that has "a contact area with the skin of less than 25 mm<sup>2</sup>," as required by independent claim 19 as presently written.

As noted above, the term "about" used in reference to all recited contact areas has been deleted from claims 19, 20, and 22 in accordance with the Examiner's suggestion. As noted in the Office Action (page 11, section 10), this deletion serves to overcome the present rejections.

For further commentary on the deficiencies of *Kim et al.* vis-à-vis the claimed invention, Applicants respectfully draw the Examiner's attention to the remarks set forth in their Response dated February 8, 2008.

Inasmuch as *Kim et al.* and *Burson et al.* fail to teach or suggest each and every element of independent claim 19 as presently written, Applicants respectfully submit that the claimed invention is neither anticipated by nor would have been obvious in view of these references, individually or in combination. Withdrawal of this ground of rejection is, therefore, respectfully requested.

#### **Allowable Subject Matter**


The Examiner's indication that dependent claims 21 and 23 contain allowable subject matter is noted with appreciation. Applicants respectfully submit that claims 21 and 23, which depend directly or indirectly from independent claim 19, are allowable in their present form in view of the amendments to their base claim.

**Conclusion**

In view of the Amendment and Remarks set forth above, Applicants respectfully submit that the claimed invention is in condition for allowance. Early notification to such effect is earnestly solicited.

As noted above, if for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4257 in order to arrange a personal interview to discuss this case.

Respectfully submitted,

  
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